

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029**

Via Email

March 14, 2014

Sybil Anderson, Headquarters Hearing Clerk
Office of Administrative Law Judges
U.S. Environmental Protection Agency
Ronald Reagan Building, Room M1200
1300 Pennsylvania Ave., NW
Washington DC 20004-3002

Re: In the Matter of: Aylin, Inc., et al (Docket No. RCRA-03-2013-0039)

Dear Ms. Anderson:

Please find enclosed for filing Complainant's Initial Prehearing Exchange. Thank you.

Sincerely,



Janet E. Sharke
Senior Assistant Regional Counsel (3RC50)
sharke.janet@epa.gov
215-814-289

cc: The Honorable Christine D. Coughlin
Jeffrey Leiter, Esq.

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029**

Via Email

March 14, 2014

The Honorable Christine D. Coughlin
Office of Administrative Law Judges
U.S. Environmental Protection Agency
Ronald Reagan Building, Room M1200
1300 Pennsylvania Ave., NW
Washington DC 20004-3002

Re: In the Matter of: Aylin, Inc., et al (Docket No. RCRA-03-2013-0039)

Dear Judge Coughlin:

Pursuant to this Court's Prehearing Order of November 5, 2013, Counsel for Complainant hereby submits a true and correct copy of Complainant's Initial Prehearing Exchange, which was simultaneously emailed to the Headquarters Hearing Clerk.

Sincerely,



Janet E. Sharke
Senior Assistant Regional Counsel (3RC50)
sharke.janet@epa.gov
215-814-2689

cc: Jeffrey Leiter, Esq.
Counsel for Respondents

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103**

In the Matter of:

Aylin, Inc.,
Rt. 58 Food Mart, Inc.,
Franklin Eagle Mart Corp.,
Adnan Kiriscioglu d/b/a New Jersey
Petroleum Organization a/k/a NJPO

Complainant's Initial Prehearing
Exchange

RESPONDENTS

Pure Gas Station
5703 Holland Road
Suffolk, VA 23437

U.S. EPA Docket No. RCRA-03-2013-0039

Rt. 58 Food Mart
8917 S. Quay Road
Suffolk, VA 23437

Proceeding under Section 9006 of the
Resource Conservation and Recovery Act,
as amended, 42 U.S.C. Section 6991e

Franklin Eagle Mart
1397 Carrsville Highway
Franklin, VA 23851

FACILITIES

COMPLAINANT'S INITIAL PREHEARING EXCHANGE

Pursuant to Rule 22.19(a) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation/Termination or Suspension of Permits ("Consolidated Rules of Practice"), 40 C.F.R. § 22.19(a), and the Presiding Officer's Order of November 5, 2013, Complainant hereby submits this Initial Prehearing Exchange in the above-captioned matter. Complainant respectfully reserves its right to supplement this Initial prehearing Exchange in accordance 40 C.F.R. § 22.19(f).

Witnesses

Section 1 of the Presiding Officer's Prehearing Order of November 5, 2013, provides that all parties are to submit a list of all expert and other witnesses, a brief summary of the expected testimony, as well as copies of all documents and exhibits intended to be introduced into evidence. (Note that copies of all documents and exhibits were transmitted via UPS next day air to the Headquarters Hearing Clerk, the Presiding Officer and Counsel for Respondents on March 13, 2014).

Complainant expects to call some or all of the following witnesses to testify on behalf of Complainant in the hearing in this matter. Complainant anticipates that it may be appropriate to present the testimony of certain witness in written or affidavit form. Consequently, Complainant reserves the right to seek leave of the Court to present in written or affidavit form, all or part of the testimony of some of the witnesses described below. In addition, Complainant anticipates that the parties will be able to stipulate that the exhibits are what they purport to be. In the event that the parties are unable to so stipulate, Complainant reserves the right to present the testimony of the appropriate records custodians or other witnesses, live or in written affidavit form, for the sole purpose of establishing that certain documents are what they purport to be.

In addition, should Respondents' initial or supplemental prehearing exchanges, or other investigation and discovery, reveal the need for further witnesses, Complainant respectfully reserves the right to supplement the list of witnesses upon adequate notice to this tribunal and Respondents and to call such witnesses at the hearing of this matter. Specifically, Complainant reserves the right to call an expert witness to testify about Respondents' ability to pay the penalty to be proposed based on analysis of the documents and other information Respondents are to submit with their initial prehearing exchange.

Complainant reserves the right to supplement the summaries of various witnesses' testimony to add additional evidence. To the extent that the parties can agree on stipulations and narrow the issues, or the issues are narrowed by accelerated decision, the number of witnesses, and/or length of their testimony, may be reduced.

Andrew Ma, EPA, Region III

Mr. Ma is an Environmental Scientist in the Office of Land Enforcement, Land and Chemicals Division, Environmental Science Center, EPA, Region III. Mr. Ma has been employed by EPA in this and other positions since September 2006.

Mr. Ma is expected to testify to his training and experience as an EPA inspector and in conducting UST inspections, his inspections of the three Facilities during March 2010; and his relevant observations and findings during, after, and as a result of those inspections and ensuing investigation. Mr. Ma will also testify as to the contents of the inspection reports for the inspections noted above, including relevant attachments thereto, inspection procedures, relevant

regulatory requirements; his contacts with Respondents or their representatives; and such other matters within his knowledge as arise during the course of the hearing. Mr. Ma may also testify as a potential rebuttal witness as to the relevance and credibility of the testimony presented by Respondents' witnesses and as to Respondents' exhibits. Mr. Ma may be called to explain the calculation of the penalty to be sought by Complainant.

Marie Owens Powell, EPA, Region III

Mrs. Powell is an Environmental Protection Specialist in the Office of Land Enforcement, Land and Chemicals Division, EPA, Region III. Mrs. Powell has been employed by EPA since 1992. From November 2000 until November 2012, Mrs. Powell served as the Underground Storage Tank Enforcement Program Team Leader. Mrs. Powell may be called to explain the calculation of the penalty to be sought by Complainant and as a potential rebuttal witness as to the relevance and credibility of the testimony presented by Respondents' witnesses and as to Respondents' exhibits.

Joel Hennessey, EPA, Region III

Mr. Hennessey is a Geologist in the Office of Technical and Administrative Support, Land and Chemicals Division, EPA, Region III, with a particular expertise in hydrogeology. Mr. Hennessey has been employed by EPA since 1988. Mr. Hennessey may be called to testify as an expert witness with regard to the relative sensitivity of the environment surrounding each Facility. He may testify as to his analysis of groundwater use and vulnerability to any potential release from the USTs at the Facilities and to discuss the reports detailing the investigation into the release from the Pure Facility (CX 39-43). Mr. Hennessey's resume is attached as CX 44.

Elizabeth Quinn, EPA, Region III

Ms. Quinn is a Toxicologist in the Office of Technical and Administrative Support, Land and Chemicals Division, EPA, Region III. Ms. Quinn has been employed by EPA since 1992. Ms. Quinn may be called as an expert witness to testify with regard to the toxicity of petroleum and its constituents and to the various pathways through which a potential petroleum release at each of the Facilities could cause human exposure. Ms. Quinn's resume is attached as CX 45.

John V. Cignatta Principal/President, DataNet Engineering, Inc.

Mr. Cignatta may be called as an expert witness to testify to the release detection and corrosion prevention violations alleged in the complaint. Mr. Cignatta's resume is attached as CX 46.

Location and Duration of Hearing

Complainant submits that the following locations are appropriate for a hearing: Philadelphia, PA; Washington, DC; Philadelphia, PA; Norfolk or Suffolk County, Virginia; or another mutually agreeable location. Complainant estimates that 3-4 days are necessary to present its direct case. Complainant does not anticipate the need of translation services.

Factual/Legal Bases for Complainant's Allegations
Denied or Otherwise not Admitted by Respondents

Pursuant to the Prehearing Order, Complainant is required to submit "a brief narrative statement explaining in detail the factual and/or legal bases for the allegations denied or otherwise not admitted by Respondents in the Answer." In the following statement, Complainant will address the substantive allegations (excluding recitations to RCRA or applicable regulations) that Respondents have denied or otherwise partially admitted to the extent that Respondents have explained their reasons.

Findings of Fact and Conclusions of Law

Jurisdiction is vested in EPA's Office of Administrative Law Judges pursuant to Section 9006 of RCRA, 42 U.S.C. 6991e, 40 C.F.R. Part 280 and 40 C.F.R. § 22.1(a)(4) and .4(c).

EPA has given the Commonwealth of Virginia Department of Environmental Quality ("VADEQ") notice of the issuance of this Complaint in accordance with Section 9006(a)(2) of RCRA, 42 U.S.C. § 6991e(a)(2), as evidenced by CX 32.

Respondents admit that at all times relevant to this Complaint, Respondent Adnan Kiriscioglu has been the President of Aylin, Inc., Rt. 58 Food Mart, Inc., and Franklin Eagle Mart Corp. (P 3) and that Adnan Kiriscioglu has a business address at 8012 Tonnelle Avenue North Bergen, New Jersey, 07047, but state that "New Jersey Petroleum Organization" or "NJPO" are not corporate entities and did not and do not transact business in the Commonwealth of Virginia and that Mr. Kiriscioglu does not conduct business under the names "New Jersey Petroleum Organization" and/or "NJPO" (Para. 4).

Respondents admit, *inter alia*, that the corporate Respondents conduct business in Virginia but do not admit they are "persons" within the meaning of Section 9001(5) of RCRA, 42 U.S.C. § 6991(5), and 9 VAC § 25-580-10, which, define "person" to include a "corporation." (Para. 5). The legal status of NJPO or New Jersey Petroleum Organization notwithstanding, it is incontrovertible that Adnan Kiriscioglu is a "person" within the meaning of Section 9001(5) of RCRA, 42 U.S.C. § 6991(5), and 9 VAC § 25-580-10. (Para. 6).

Respondents do not admit that Respondents Aylin, Inc., Rte. 58 Food Mart, Inc. Franklin Eagle Mart, Corp., and Adnan Kiriscioglu at various times have each been the "owner" or "operator" (within the meaning of RCRA § 9001(3) or (4), 42 U.S.C. § 6991(3) or (4), and 9 VAC 25-580-10) of the USTs (as defined in RCRA § 9001(10), 42 U.S.C. § 6991 (10), and 9 VAC § 25-580-10) at the Pure Gas Station, Rt. 58 Food Mart, and Franklin Eagle Mart, respectively, as alleged in Paragraphs 7, 8, 9, 10. At the very least, each such entity has identified itself as an "owner" of USTs on the pertinent Notification for Underground Storage Tanks ("UST Notification") submitted in 2003 or 2005 to VADEQ (CX 10, 20, 27, 28). Complainant does not have sufficient information to determine if each entity was also an "operator" of the USTs within the meaning of Section 9001(3) of RCRA, 42 U.S.C. § 6991(3), and 9 VAC 25-580-10.

Respondents do not admit that representatives of EPA conducted compliance evaluation inspections (“CEIs”) as alleged at each Facility (Paras. 13, 16, 18) on March 30 or 31, 2010, although representatives of Respondent were in attendance at two of those inspections, and Mr. Kiriscioglu was notified in advance of such inspections. The inspection reports documenting the CEIs are attached as CX 12, 21, and 29. Respondents do not admit to the findings contained in each report as to the size, material of composition, dates of installation and upgrade, if any, and contents of the USTs at each Facility (as alleged in Paragraphs 14, 15, 17, 19). Such information is taken from the UST Notifications filed by Respondents (or the prior UST owners) with VADEQ, attached hereto as CX 3-10 (Pure), CX 18-20 (Rt. 58), and CX 26-28 (Franklin). Respondents do not admit Paragraph 21, but the observations of the Inspector Ma as memorialized in his report, together with his testimony, will establish that none of the USTs at the Facilities was “empty” within the meaning of 9 VAC § 25-580-310.1, because they each contained more than an inch of product.

Finally, Respondents do not admit that the USTs at each Facility have been a “petroleum UST system” and an “existing tank system” as these terms are defined in 9 VAC § 25-580-10 (Para. 20). Complainant submits that the findings alleged in the Complaint as recited above establish this conclusion.

Failure to Furnish Information

Count I of the Complaint, for which Complainant does not seek a penalty but merely compliance, demonstrates Complainant’s numerous attempts to obtain information from Respondents about the facilities at issue, particularly with regard to the owner and operator of each such facility, information about which Respondents have the most knowledge. Only after the filing of the Complaint did EPA receive a perfunctory response to the information sought repeatedly (described in Paragraph 46).

While Respondents admit that EPA sent information request letters (“IRLs”) to Adnan Kiriscioglu in September 2010 (Para. 24) and to Respondents in June 2011 (Paras. 30, 32, 34, 36, 38, 40, and 42), they do not admit the dates of receipt (Paras. 25, 31, 33, 35, 37, 39, 41, and 43) nor when the IRL responses were due (P 26 and 44), nor to the October 2010 reminder letter sent to Mr. Kiriscioglu (Paras. 27 and 28). The IRLs as well as the UPS delivery confirmation contained in Complainant’s Exhibit 33 establish this. Mr. Ma will testify as necessary to corroborate this evidence. He will also testify that as of the date of filing of the complaint, EPA had not received any response whatsoever from Mr. Kiriscioglu to EPA’s 2010 IRL (denied in Para. 29) nor had EPA ever received a complete response to the information requested in Paragraph 46 (denied in Para. 47). Indeed, had EPA received such information, the status of New Jersey Petroleum Organization and/or NJPO vis a vis Adnan Kiriscioglu and the Facilities at issue would have been clarified. (Note that the initial reply to the June 2011 IRLs submitted by Respondents’ consultant, Atlantic Environmental Services, Inc. (CX 34), contained a copy of the contract with “NJPO Group.”)

Respondents’ Answer (Para. 46) asserts that any information that Respondents failed to furnish was publicly available to EPA or available to EPA from the VADEQ. To the contrary, Complainant notes that information as to the day-to-day operation of the USTs at the Facilities is

neither publicly available nor available from VADEQ, but most reasonably obtained from Respondents. Complainant also notes that the characterizing the corporate respondents as “three small businesses” belies the scope of Mr. Kiriscioglu’s affiliation with gas stations outside of the scope of this proceeding.

Failure to Provide Release Detection at each Facility

Counts II, VIII and XIII allege that Respondents failed to provide release detection for the USTs at the Pure, Rt. 58 and Franklin Eagle Mart facilities, respectively. The authorized Virginia regulations at 9 VAC 580-140 require that each UST be monitored at least once every 30 days using certain methods set forth in subsection 4-8 of 9 VAC 25-580-160, with exceptions, inapplicable here.

Respondents admit during the time periods at issue that the method of release detection selected by Respondents at each Facility was automatic tank gauging (“ATG”) pursuant to 9 VAC § 25-580-160(4) (Paras. 55, 104 and 136), but assert that EPA has failed to take into account the inventory control performed as set forth in 9 VAC 25-580-160(4)(b). Complainant’s witness will explain that inventory control ceased to be a valid method of release detection at the Pure, Rt. 58 and Franklin Eagle Mart facilities, as of December 31, 2000, August 1998, and February 1998, respectively (ten years after the date of tank upgrading or installation as applicable). Moreover, the only inventory records submitted by Respondents to date pertain to Rt. 58 only (CX 23). In 2003 Respondents indicated to VADEQ (in their UST Notifications (CX 10, 20, 27, 28)) that ATG was the selected method of release detection. In 2012, in their IRL response to EPA (CX 13, 23A, 34), Respondents again stated that ATG was the selected method of release detection. Complainant’s Exhibit 15 establishes that VADEQ reviewed passing release detection records for the UST P4 for June 2011. Photocopies of the ATG records printed out by Mr. Ma from the ATG during his inspections of the Rt. 58 and Franklin facilities are included as Attachment 3 to each inspection report (CX 21 and 29).

Failure to Inspect Tank Impressed Current Cathodic Protection System at Pure

In Count III, Complainant alleges that Respondents failed to inspect the Pure tanks’ impressed current cathodic protection system every 60 days. Steel USTs, such as those at Pure with impressed current systems, are required to be inspected every 60 days to ensure that the equipment is running properly (CX 36), per 9 VAC § 25-580-90.3. Respondents admit to the documentation of corrosion protection tests of July 31, 2006, and April 4, 2008 (Para. 62), and August 4, 2011, and November 18, 2011 (Para. 63). There is no evidence of any other such tests or other inspection of the corrosion protection system for the USTs at Pure.

Failure to Provide Cathodic Protection for Piping at each Facility

In Counts IV, IX, and XIV, Complainant alleges that piping at each Facility was at various times without the cathodic protection required by 9 VAC § 25-580-60.3. Respondents admit (to the extent provided by Respondents) that cathodic protection tests were undertaken at

Pure on August 4, 2011, November 18, 2011 (see CX 14 and 15) (P 68). Respondents also admit that the tester recommended repair and modifications (p 69) and that Respondents undertook modifications to the system (Para. 70). Similarly, Respondents admit that cathodic protection tests were performed for the metal portions of the piping in contact with the ground at Rt. 58 Facility on: December 6, 2007 (fail), November 25, 2008 (fail), November 3, 2009 (fail), and August 4, 2011 (pass) (Para. 111); and at the Franklin Facility on December 5, 2007 (fail), December 11, 2008 (fail), November 3, 2009 (fail), and August 3, 2011 (pass) (Para. 143).

During his inspection of Pure on March 30, 2010, Mr. Ma observed that the metal pipe component (fitting) beneath the dispenser was in contact with the soil backfill, rendering such pipe subject to the requirement to be cathodically protected. The Inspection Report of Pure (CX 12), together with the testimony of Complainant's witness to the extent necessary, will establish the allegations in Paragraph 71.

During his inspection at Rt. 58, Mr. Ma collected documentation that indicated that the piping components under the dispensers and the sumps are each comprised of steel. During his inspection at Franklin, Mr. Ma collected documentation indicating that piping components (flex connectors) under the dispensers and for the submersible turbine pumps at each UST are each comprised of steel. The Inspection Reports (CX 21) and (CX 29) of Rt. 58 and Franklin, respectively, together with the testimony of Complainant's witness, as necessary, will establish the allegations of Paragraphs 110, 112, 142, 144.

Failure to Perform Annual Line Tightness Testing or Monthly Monitoring at each Facility

In Counts V, X, and XV, Complainant alleges that the underground piping at the Facilities was not monitored for releases. Like tanks, underground piping which conveys regulated substances (from the tanks to the dispensers) is required to be monitored for releases. Respondents admit only that the piping at the Pure and Rt. 58 facilities operates under pressure (Paras. 78, 117), apparently not admitting that such piping routinely conveys regulated substances. To the extent this is Respondents' claim, Complainant points out that at the time of the inspections none of the USTs were empty within the meaning of 9 VAC § 25-580-310.1. Complainant's witness will testify that to date Respondents have not submitted any documentation that the tanks are empty. Respondents admit that the piping at the Franklin Facility is, and has been piping that routinely conveys regulated substances under pressure. (Para.149).

Complainant's Exhibit 11 establishes the allegation of Paragraph 79. Respondents admit the allegations of Paragraphs 80, 81 and 82. Complainant's Exhibit 15 establishes the allegation of Paragraph 84. The record is devoid of any evidence that would establish other line tightness tests or monthly monitoring of the lines at Pure by Respondents.

Similarly, Respondents admit the allegations of Paragraphs 118 and 150 as to the Rt. 58 and Franklin facilities. There is no other evidence that establishes other line tightness test or alternative monthly monitoring of the pipes at Rt. 58 or Franklin.

Failure to Conduct Annual Test of Line Leak Detectors at each Facility

Counts VI, XI and XVI allege that the operation of the line leak detectors for the underground piping was not annually tested as required by 9 VAC § 25-580-140.2.a(1), which requires that underground piping that routinely contains regulated substances under pressure be equipped with an automatic line leak detector conducted [sic] in accordance with subdivision 1 of 9 VAC § 25-580-170. 9 VAC § 25-580-170.1. requires that an annual test of the operation of the automatic line leak detector must be conducted in accordance with the manufacturer's requirements.

Respondents admit that the pressurized underground piping at each Facility is, and has been at all times relevant to this violation, equipped with automatic line leak detectors (Paras. 90, 125, 155). Respondents admit that annual tests -- or attempts at annual tests -- occurred as alleged in Paragraphs 92, 93, 94 126, and 156. The allegation in Paragraph 91 is established by CX 11. There are no other documents in the record that establish any annual tests other than those alleged by Complainant.

Failure to Demonstrate Financial Responsibility at each Facility

Counts VII, XII and XVII each allege that for various periods of time Respondents failed to demonstrate financial responsibility for each Facility. 9 VAC § 25-590-40 states that owners or operators of petroleum UST systems shall demonstrate financial responsibility for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum USTs.

Respondents admit that they documented insurance coverage for the USTs at the Pure Facility from October 20, 2005, through October 20, 2007, and from July 29, 2011, to November 27, 2011 (Para. 99), but deny that they did not comply with the financial responsibility requirements of 9 VAC § 25-590-40 as alleged (Para. 100). Likewise, as to Rt. 58 and Franklin, respectively, Respondents admit they had insurance coverage for October 25, 2006, through February 4, 2008, and from July 29, 2011, to November 27, 2011 (p 131), and from July 29, 2011 to November 27, 2011 (Para. 161), but again deny that during the lapsed periods they did not have financial assurance.

Instead, as to each Facility, Respondents assert that they were eligible to use the Virginia Petroleum Storage Tank Fund to satisfy the financial responsibility requirements of 9 VAC § 25-590-40 (Paras. 100, 132, 162). Without more information, Complainant cannot rebut this assertion. However, Complainant points out that each time in 2003 that Respondent Kiriscioglu filed his Notice of Underground Storage Tank Registration (CX 10, 20, 27) with VADEQ he clearly and specifically indicated on Part VI of such registration that he would demonstrate financial responsibility through insurance, not the fund. Again in 2005 this was demonstrated on the amended Registration for Franklin (CX 28).

Affirmative Defenses

Respondent Adnan Kiriscioglu is listed as the owner of record of the USTs at the Franklin Eagle facility (CX 28), which was filed with the VADEQ since 2005. To date there has been no change in this notification. In addition, Mr. Kiriscioglu is president of each corporate entity that owns the USTs at Pure Gas Station and Rt. 58 Food Mart, as well as president of each corporate entity that owns the real property of the Facilities. Complainant anticipates that the role of Mr. Kiriscioglu will be clarified upon Complainant's receipt of Respondents' Response to Complainant's discovery requests.

Complainant will consider the ability to pay a civil penalty of Respondents upon receipt of financial information requested and reserves the right to supplement its witness list and exhibits to the extent necessary.

Penalty Information

Complainant will utilize the following factual information relevant to the assessment of a penalty, reserving its right to submit such additional documentation in its rebuttal prehearing exchange, as appropriate.

Complainant's Exhibits 43 and 47: Compilations of soil types, depth to groundwater, presence of private wells, 1990 U.S. Census Data

Final "U.S. EPA Penalty Guidance for Violations of UST Regulations" (November 14, 1990) (<http://www.epa.gov/oust/directiv/od961012.htm> (Appendix A describes "selected violations"))

COMPLAINANT'S PREHEARING EXCHANGE INDEX

CX 1	VA State Corporation Filings: Aylin, Inc.	EPA 001-004
CX 2	Notification for Underground Storage Tanks: Reids Fuel Oil Co., Inc. (4/26/86)	EPA 005-007
CX 3	Notification for Underground Storage Tanks: Crossroads Fuel Service, Inc. (12/29/88)	EPA 008-011
CX 4	Notification for Underground Storage Tanks: Crossroads Fuel Service, Inc. (5/15/90)	EPA 012
CX 5	Notification for Underground Storage Tanks: Crossroads Fuel Service, Inc. (5/17/90)	EPA 013-016
CX 6	Notification for Underground Storage Tanks: Crossroads Fuel Service, Inc. (7/17/97)	EPA 017-022
CX 7	Notification for Underground Storage Tanks: Crossroads Fuel Service, Inc. (Cover Letter dated 1/6/98)	EPA 023-032
CX 8	Notification for Underground Storage Tanks: Crossroads Fuel Service, Inc. (5/11/00)	EPA 033-038
CX 9	Notification for Underground Storage Tanks: Crossroads Fuel Service, Inc. (Cover Letter dated 5/22/01)	EPA039-049
CX 10	Notification for Underground Storage Tanks: Aylin, Inc (6/25/03)	EPA 050-053
CX 11	Warning Letter to Aylin, Inc. (10/12/05)	EPA 054-060
CX 12	RCRA Subtitle I Inspection Report: Pure Gas Station, Suffolk, VA (3/30/10)	EPA 061-157
CX 13	Atlantic Environmental Solutions response to 9005 Information Request (7/29/11)	EPA 158-197
CX 14	Email chain w/attachments re: Pure tank and test line results (9/14/11)	EPA 198-207
CX 15	VADEQ Request for Compliance Action (RAC): Pure Mart (1/16/12)	EPA 208-219
CX 16	Line Test Data Sheet: Aylin Amoco Food Shop, Suffolk, VA (2/7/13)	EPA 220-222
CX 17	VA State Corporation Filings: Rt. 58 Food Mart, Inc.	EPA 223-232
CX 18	Notification for Underground Storage Tanks: Suffolk Energies, Inc./Griffin Oil Company (5/2/86)	EPA 233-234
CX 19	Notification for Underground Storage Tanks: Suffolk Energies, Inc. (4/6/89)	EPA 235-236
CX 20	Notification for Underground Storage Tanks: Rt. 58 Food Mart, Inc. (6/25/03)	EPA 237-240
CX 21	RCRA Subtitle I Inspection Report: Rt. 58 Food Mart, Suffolk, VA (3/31/10)	EPA 241-372
CX 22	Email chain re: Crompco Test Results/Financial Assurance Records (5/12-7/16/10)	EPA 373-378
CX 23	Product Inventory Monthly Reconciliation Form (2008-2009)	EPA 379-461
CX 23A	Letter from Atlantic Environmental Solutions, Inc. to Andrew Ma, EPA, re: response to 9005 Information Request (7/29/11)	EPA 461a-461hhhh

CX 23B	Cathodic Protection System Evaluation Form	EPA 461iiii-461nnnn
CX 24	VADEQ Request for Compliance Action (RAC): Rt. 58 Food Mart (6/15/12)	EPA 462-473
CX 25	VA State Corporation Filings: Franklin Eagle Mart Corp.	EPA 474-482
CX 26	Notification for Underground Storage Tanks: Keffer & Rose Inc. (2/9/89)	EPA 483-484
CX 27	Notification for Underground Storage Tanks: Franklin Eagle Mart Corp. (6/27/03)	EPA 485-488
CX 28	Notification for Underground Storage Tanks: Franklin Eagle Mart (6/14/05)	EPA 489-490
CX 29	RCRA Subtitle I Inspection Report: Franklin Eagle Mart, Franklin, VA (3/31/10)	EPA 491-598
CX 30	Email chain re: Franklin Eagle Mart tank and test line results (attachments) (9/14/11)	EPA 599-605
CX 31	VADEQ Request for Compliance Action (RAC): Franklin Eagle Mart (2/28/13)	EPA 606-620
CX 32	Email (3/22/10) and letter (12/7/11) to VADEQ re: Pure Gas Station, Suffolk	EPA 621-622
CX 33	EPA 9005 Requests (13) for Information to Adnan Kiriscioglu (9/15/10-3/14/12)	EPA 623-750
CX 34	Letter (6/21/11) ad email (8/1/11) re: extension to respond to 9005 Information Request	EPA 751-754
CX 35	Nautilus Insurance Company re: Elizabeth NJPO LLC (2/15/13-2/15/14)	EPA 755-759
CX 36	Chapter 580 Underground Storage Tanks	EPA 760-811
CX 37	State Water Control Board 9 VAC 25-590-10 et seq.	EPA 812-896
CX 38	Letter to Gary Heisler, AECOM Water from Jack Moore re: Phase II Environmental Investigation (attachments) (1/11/13)	EPA 897-922
CX 39	Letter to Ezgi Kiriscioglu from Marvin D. Smith and Richard J. Seage MacCallum Testing Laboratories, Inc. re: Release Investigation Report (attachments) (5/21/13)	EPA 923-962
CX 40	Letter to Ezgi Kiriscioglu from Marvin D. Smith and Richard J. Seage MacCallum Testing Laboratories, Inc. re: Site Characterization Report (attachments) (9/17/13)	EPA 963-1066
CX 41	Letter to Ezgi Kiriscioglu from Marvin D. Smith and Richard J. Seage MacCallum Testing Laboratories, Inc. re: Site Characterization Addendum Report (attachments) (10/10/13)	EPA 1067-1078
CX 42	Test America Analytical Report Holland Rd. Pure Station (10/8/13)	EPA 1079-1115
CX 43	Site Photos and Groundwater Data	EPA 1116-1130
CX 44	Curriculum Vitae of Joel W. Hennessy	EPA 1131-1132
CX 45	Curriculum Vitae of Elizabeth A. Quinn	EPA 1133-1134
CX 46	Curriculum Vitae of John V. Cignatta, PhD, PE	EPA 1135-1141
CX 47	Human Exposure Potential Evaluation	EPA 1142

CERTIFICATE OF SERVICE

I hereby certify that on the date set forth below, I emailed Complainant's Initial Prehearing Exchange, Docket No. RCRA-03-2013-0039 ("Complainant's Prehearing Exchange") to:

Sybil Anderson, Headquarters Hearing Clerk
Office of Administrative Law Judges
U.S. Environmental Protection Agency
Ronald Reagan Building, Room M1200
1300 Pennsylvania Ave., NW
Washington, DC 20004

Mary Angeles, Lead Legal Staff Assistant
The Hon. Christine D. Coughlin
Administrative Law Judge
Office of Administrative Law Judges
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Leiter & Cramer, PLLC
1707 L Street, NW, Ste. 560
Washington, DC 20036

3/14/2014
Date



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